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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,212

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Shusaku Chiba

AZU-006

1627

32628

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04/30/2008

KANESAKA BERNER AND PARTNERS LLP

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SUITE 310

ALEXANDRIA, VA 22314-2848

EXAMINER

LOPEZ, FRANK D

ART UNIT

PAPER NUMBER

3745

MAIL DATE

DELIVERY MODE

04/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/582,212	Applicant(s) CHIBA, SHUSAKU	
	Examiner F. Daniel Lopez	Art Unit 3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-6 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/6/07</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5 and 6 are rejected under 35 U.S.C. § 102(b) as being anticipated by Galser. Galser discloses a master cylinder comprising a piston (52) slidably inserted into a cylinder bore and defining a pressure chamber (56), a communication path in the cylinder body communicating with a reservoir (44); a relief "port" (136) in the piston always communicates with the chamber and allows communication between the communication path and the chamber; a cup seal (120) received in a concavity in an inner periphery of the cylinder bore and having a laterally facing U-shaped section including an annular base member connected to annular inner and outer lips; wherein the seal includes a base side fluid passage grooves (126) formed in the base portion to radially extend to allow communication between inner and outer peripheral sides of the base portion, which communicates with the communication path, and radially extending lip side grooves (132) in the inner lip; piston is slidably inserted into the seal, so that when the master cylinder is operative, the relief valve is isolated from the communication path and when the master cylinder is inoperative, a space is formed between the seal and the relief port, allowing communication between the communication path and the relief port, via the base side grooves.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1, 2 and 4-6 are rejected under 35 U.S.C. § 103 as being unpatentable over Takano et al in view of Galser. Takano et al discloses a master cylinder comprising a piston (13) slidably inserted into a cylinder bore and defining a pressure chamber (17), a communication path (29) in the cylinder body communicating with a reservoir; a relief port (56) in the piston always communicates with the chamber and allows communication between the communication path and the chamber; a cup seal (46) received in a concavity in an inner periphery of the cylinder bore and having a laterally facing U-shaped section including an annular base member (74) connected to annular inner (76) and outer (75) lips; piston is slidably inserted into the seal, so that when the master cylinder is operative, the relief valve is isolated from the communication path and when the master cylinder is inoperative, a space is formed between the seal and the relief port, allowing communication between the communication path and the relief port, via the base side grooves; wherein the inner lip is thicker than the outer lip (due to the taper); and wherein a passage (32) through a backup member (33), which communicates with the communication path and allows communication between inner and outer peripheral sides of the base portion; but does not disclose that the seal includes a base side fluid passage grooves (126) formed in the base portion to radially extend to allow communication between inner and outer peripheral sides of the base portion, which communicates with the communication path.

Galser teaches, for a master cylinder comprising a piston (52) slidably inserted into a cylinder bore and defining a pressure chamber (56), a communication path in the cylinder body communicating with a reservoir (44); a relief "port" (136) in the piston always communicates with the chamber and allows communication between the communication path and the chamber; a cup seal (120) received in a concavity in an inner periphery of the cylinder bore and having a laterally facing U-shaped section including an annular base member connected to annular inner and outer lips; and

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radially extending lip side grooves (132) in the inner lip; piston is slidably inserted into the seal, so that when the master cylinder is operative, the relief valve is isolated from the communication path and when the master cylinder is inoperative, a space is formed between the seal and the relief port, allowing communication between the communication path and the relief port; that the seal includes a base side fluid passage grooves (126) formed in the base portion, which communicates with the communication path and allows communication between inner and outer peripheral sides of the base portion, via the base side grooves.

Since the passage through the backup member of Takano et al and the base side grooves of Galser perform the same function in the master cylinder art; it would have been obvious at the time the invention was made to one having ordinary skill in the art to replace the passage in the backup member of Takano et al with base side fluid passage grooves (126) formed in the base portion, as taught by Galser, since one having ordinary skill in the art would have been able to carry out such a substitution and the resulting combination would predictable work in the same manner

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Lopez whose telephone number is 571-272-4821. The examiner can normally be reached on Monday-Thursday from 6:00 AM -4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Look, can be reached on 571-272-4820. The fax number for this group is 571-273-8300. Any inquiry of a general nature should be directed to the Help Desk, whose telephone number is 1-800-PTO-9199.

/F. Daniel Lopez/

F. Daniel Lopez
Primary Examiner
Art Unit 3745
April 30, 2008